

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

)	
TEVA PHARMACEUTICALS)	
INTERNATIONAL GMBH and)	
TEVA PHARMACEUTICALS USA, INC.,)	
)	
Plaintiffs,)	
)	Case No. 1:17-cv-12087-ADB
v.)	
)	
ELI LILLY AND COMPANY,)	
)	
Defendant.)	

**DEFENDANT ELI LILLY AND COMPANY’S
MOTION TO DISMISS TEVA’S FIRST AMENDED COMPLAINT**

Defendant Eli Lilly and Company (“Lilly”), through its undersigned counsel, hereby moves to dismiss Teva Pharmaceuticals International GMBH’s and Teva Pharmaceuticals USA Inc.’s (“Teva”) First Amended Complaint in its entirety under Fed. R. Civ. P. 12(b)(1) and partially under 12(b)(6). The grounds for this motion are set forth in the Memorandum submitted with this motion.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Lilly believes that oral argument may assist the Court and requests oral argument of this motion.

Dated: January 30, 2018

Respectfully submitted,

ELI LILLY AND COMPANY,

By Its Attorneys,

/s/ Adam R. Doherty

Daniel P. Tighe (BBO 5566583)
dtighe@princelobel.com
Adam R. Doherty (BBO 669499)
adoherty@princelobel.com
PRINCE LOBEL TYE LLP
One International Place, Suite 3700
Boston, MA 02110
(617) 456-8000

Charles E. Lipsey (*pro hac vice*)
Charles.lipsey@finnegan.com
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
Two Freedom Square
11955 Freedom Drive
Reston, VA 20190-5675
(571) 203-2700

William B. Raich (*pro hac vice*)
William.raich@finnegan.com
Danielle A. Duszczyszyn (*pro hac vice*)
Danielle.duszczyszyn@finnegan.com
Emily R. Gabranski (*pro hac vice*)
Emily.gabranski@finnegan.com
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 New York Avenue, NW
Washington, DC 20001-4413
(202) 408-4000

LOCAL RULE 7.1(a)(2) CERTIFICATION

I hereby certify that on December 11, 2017, counsel for Lilly and Teva conferred in good faith about this motion but were unable to resolve or narrow the issues raised in this motion. On January 26, 2018, Lilly confirmed with Teva via email that no further meet and confer was necessary about this motion.

/s/ Danielle A. Duszczyzyn

Danielle A. Duszczyzyn (*pro hac vice*)

CERTIFICATE OF SERVICE

I, Adam R. Doherty, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on January 30, 2018.

/s/ Adam R. Doherty

Adam R. Doherty